

HOUSE JOURNAL

NINTH DAY

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MORNING SESSION

The House was called to order by Speaker Curtis at 10:00 a.m.

Roll call showed all members present.

Pledge of Allegiance and prayer by Representative D. Gregg Buxton.

COMMUNICATION FROM THE SENATE

Mr. Speaker: January 24, 2005

The Senate passed, **H.C.R. 8**, RESOLUTION RECOGNIZING UTAH MANUFACTURERS ASSOCIATION, by Representative J. Alexander, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communication filed. **H.C.R. 8** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: January 24, 2005

The Business and Labor Committee reports a favorable recommendation on **H.B. 69**, FEDERAL HEALTH CARE TAX CREDIT PROGRAM ACT, by Representative C. Oda, and recommends it be placed on the Consent Calendar; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 195**, INSURANCE LAW AMENDMENTS, by Representative J. Dunnigan, and recommends it be placed on the Consent Calendar; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 201**, LIFE INSURANCE AND ANNUITIES LAW AMENDMENTS, by Representative J. Dunnigan, with the following amendments:

1. Page 1, Lines 11 through 13:

11 This bill: {—

12 ————— defines a two-tier annuity;

13 ————— exempts two-tier annuities from certain cash surrender value requirements;— }

2. Page 9, Lines 250 through 260:

250 (b) For a contract { ~~other than a two-tier annuity as defined in Subsection (10)(d).~~ } that

251 provides cash surrender benefits [~~on or past the maturity date~~], the cash surrender value on or

252 past the maturity date shall be equal to the amount used to determine the annuity benefit

253 payments.

254 (c) A surrender charge may not be imposed on or past maturity.

255 { ~~(d) As used in this Subsection (10), “two-tier annuity” means an annuity contract under~~

256 which:

257 (i) cash surrender value is an accumulation, at interest, of percentages of premiums

258 specified in the contract; and

259 (ii) cash surrender value cannot be derived from the amount used to determine the

260 annuity benefit payments. }; and

Stephen D. Clark, Chair

Reports filed. On motion of Representative S. Clark, the reports of the Business and Labor committee were adopted.

H.B. 69 and **H.B. 195**, read the second time by short title and placed on the Consent Calendar.

H.B. 201, as amended, read the second time by short title and placed on the calendar for third reading.

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Mr. Speaker:

January 24, 2005

The Education Committee reports a favorable recommendation on **H.B. 189**, APPLIED TECHNOLOGY PROGRAM AMENDMENTS, by Representative J. Ferrin; and

The Education Committee reports a favorable recommendation on **H.C.R. 1**, RESOLUTION PROMOTING MODERATELY SIZED SCHOOLS, by Representative D. Cox; and

The Education Committee reports a favorable recommendation on **S.B. 18**, REGULATING PROPRIETARY POSTSECONDARY SCHOOLS, by Senator D. Eastman; and

The Education Committee reports a favorable recommendation on **H.C.R. 6**, RESOLUTION RECOGNIZING UTAH'S LEGISLATORS BACK TO SCHOOL PROGRAM, by Representative M. Dayton, with the following amendments and recommends it be placed on the Consent Calendar.

1. Page 2, Lines 34 through 35:

34 WHEREAS, Utah legislators met personally with
{-16,500-} 17,200 students in {-165-} 200 schools
and

35 {-545-} 575 classrooms in {-2003-} 2004 to
answer questions and listen to concerns on issues

Margaret Dayton, Chair

Reports filed. On motion of Representative Dayton, the reports of the Education committee were adopted.

H.B. 189, **H.C.R. 1**, and **S.B. 18**, read the second time by short title and placed on the calendar for third reading.

H.C.R. 6, as amended, read the second time by short title and placed on the Consent Calendar.

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Mr. Speaker:

January 24, 2005

The Health and Human Services Committee reports a favorable recommendation on **H.B. 165**, UTAH COMMISSION ON AGING, by Representative P. Jones, with the following amendments:

1. Page 1, Line 26 through Page 2, Line 30:

“26 ► provides that, for the fiscal years 2005–06 and 2006–07,
the Department of Human

27 {~~Resources~~} Services shall:

28 • pay the salary of the executive director of the Utah
Commission on Aging out of

29 the department’s existing budget; and

30 • provide staff support to the executive director and the
commission; and”; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 198**, NATUROPATHIC FORMULARY PEER COMMITTEE AMENDMENTS, by Representative J. Ferrin.

Bradley G. Last, Chair

Reports filed. On motion of Representative Last, the reports of the Health and Human Services committee were adopted.

H.B. 165, as amended, and **H.B. 198**, read the second time by short title and placed on the calendar for third reading.

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Mr. Speaker:

January 24, 2005

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 168**, COOPERATIVE WILDLIFE MANAGEMENT UNIT AMENDMENTS, by Representative J. Gowans; and

The Natural Resources, Agriculture, and Environment Committee recommends **H.B. 182**, HISTORICAL LIVESTOCK TRAILS, by Representative B. Johnson, be replaced and reports a favorable recommendation on **1st Sub. H.B. 182**, HISTORICAL LIVESTOCK TRAILS with the following amendments:

1. Page 2, Lines 40 through 46:

40 (3) Notwithstanding Subsections (1) and (2), the owner of any
neat cattle, horse, ass,

41 mule, sheep, goat, or swine that trespasses upon the premises of
another person is not liable in

42 a civil action to the owner or occupant of the premises for damage
43 inflicted by the trespass if:

44 (a) the animal enters the premises from an historic livestock
45 trail, as defined in Section

46 57-13b-102; and

47 (b) the premises that was trespassed is not enclosed by
48 { a } an adequate fence at the time the trespass

49 occurs. ; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 160, WILDLIFE LICENSE AGENTS AMENDMENTS**, by Representative J. Fisher, and recommends it be placed on the Consent Calendar.

Roger E. Barrus, Chair

Reports filed. On motion of Representative Barrus, the reports of the Natural Resources, Agriculture, and Environment committee were adopted.

H.B. 168 and **Sub. H.B. 182**, as amended,, read the second time by short title and placed on the calendar for third reading.

H.B. 160, read the second time by short title and placed on the Consent Calendar.

INTRODUCTION OF BILLS

H.B. 92, Safety Belt Law Requirement Amendments (M. Noel), read the first time by short title and referred to the Rules Committee.

H.B. 93, Emission Inspection Amendments (K. Gibson), read the first time by short title and referred to the Rules Committee.

H.B. 94, Youth Corrections Amendments (C. Moss), read the first time by short title and referred to the Rules Committee.

H.B. 95, Sex Offender Registration Amendments (M. S. Lawrence), read the first time by short title and referred to the Rules Committee.

H.B. 152, County Option Sales and Use Tax for Agricultural Land, Open Land, and Recreational Facilities Act (C. Buttars), read the first time by short title and referred to the Rules Committee.

H.B. 153, Security for Public Schools (K. Holdaway), read the first time by short title and referred to the Rules Committee.

H.B. 154, School and Institutional Trust Lands Amendments (E. Hutchings), read the first time by short title and referred to the Rules Committee.

H.B. 155, Agricultural Coop Amendments (C. Buttars), read the first time by short title and referred to the Rules Committee.

H.B. 229, Water Rights in Irrigation Companies (P. Painter), read the first time by short title and referred to the Rules Committee.

H.B. 230, Recycling of Waste Tires (D. Ure), read the first time by short title and referred to the Rules Committee.

H.B. 231, School District Boundaries (M. Noel), read the first time by short title and referred to the Rules Committee.

H.B. 232, Utah Basic Skills Competency Test Alternatives (P. Ray), read the first time by short title and referred to the Rules Committee.

H.B. 233, Adoption Law Revisions (R. McGee), read the first time by short title and referred to the Rules Committee.

H.B. 234, Telephone Surcharge for Education and Training Programs At Prison (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

H.B. 235, Insurance Amendments (S. Urquhart), read the first time by short title and referred to the Rules Committee.

H.B. 236, Health Insurance Law Amendments (J. Dunnigan), read the first time by short title and referred to the Rules Committee.

H.J.R. 12, Resolution Eliminating Property Tax on Personal Property (J. Dougall), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 51, ELECTRONIC PAYMENTS TO LOCAL GOVERNMENT ENTITIES, read the third time by short title and placed on its final passage.

H.B. 51 then passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bourdeaux
Buttars	Buxton	Christensen	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McCartney
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wyatt	Curtis	

Absent or not voting were: Representatives

Bigelow	Bowman	D. Clark	Gowans
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H.B. 51 transmitted to the Senate for its consideration.

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H.B. 162, MUNICIPAL ABATEMENT OF WEEDS AND OTHER NEGLECTED ITEMS ON PROPERTY, read the third time by short title and placed on its final passage.

H.B. 162, as amended, then passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson

Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McCartney	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wyatt
Curtis			

Absent or not voting were: Representatives

D. Clark Jones

H.B. 162, as amended, transmitted to the Senate for its consideration.

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H.C.R. 4, UTAH ATHLETIC FOUNDATION RESOLUTION, read the third time by short title and placed on its final passage.

On motion of Representative Ure, the House voted to lift **H.C.R. 4** from the Consent Calendar and place it at the bottom of the Third Reading Calendar.

MISCELLANEOUS BUSINESS

On motion of Representative Alexander, under suspension of the rules, the House voted to move to the Senate Third Reading Calendar.

UNFINISHED BUSINESS

On motion of Representative Dee, the House voted to uncircle **S.B. 5**.

S.B. 5, TRAFFIC CODE RECODIFICATION AND REVISIONS, was before the House on its final passage.

S.B. 5, as amended, then passed on the following roll call:

Yeas, 74; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Lockhart
Mascaro	Mathis	McCartney	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wyatt	Curtis		

Absent or not voting was: Representative
Litvack

S.B. 5, as amended, returned to the Senate for further consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to move to the House Third Reading Calendar.

UNFINISHED BUSINESS

On motion of Representative Daw, the House voted to uncircle **H.B. 185**.

H.B. 185, UTAH COMPUTER CRIMES ACT AMENDMENTS, was before the House on its final passage.

Representative Daw proposed the following amendment:

1. Page 1, Lines 12 through 15

12 This bill:

- 13 ▶ amends the definition of “computer network” in the Utah Computer Crimes Act to
- 14 include wireless networks; {~~and~~}
- clarifies prohibited conduct under the Utah Computer Crimes Act;
and
- 15 ▶ makes technical changes.
2. Page 1, Lines 22 through 23:
- 22 76–6–702, as last amended by Chapter 300, Laws of Utah 1997
 76–6–703, as last amended by Chapter 300, Laws of Utah
 1997
3. Page 2, Lines 35 through 36:
- 35 (3) “Computer” means any electronic device or communication facility [~~with data~~
- 36 processing ability] that stores, retrieves, {~~or~~} processes
 or transmits data.
4. Page 2, Line 52:
- 52 others without the owner’s or custodian’s permission.
 (8) “Information” does not include information obtained:
 (a) through use of:
 (i) an electronic product identification or tracking system; or
 (ii) other technology used by a retailer to identify, track, or price
 goods held for sale; and
 (b) by a retailer through the use of equipment located entirely
 within the retailer’s retail location.
5. Page 2, Line 53:
- 53 {~~(8)~~} (9) “License or entitlement” includes:
6. Page 3, Line 62:
- 62 {~~(9)~~} (10) “Security system” means a computer, computer system, network, or computer
7. Page 3, Line 66:
- 66 {~~(10)~~} (11) “Services” include[~~, but are not limited to,~~] computer time, data manipulation, and

8. Page 3, Line 68:

68 {-(11)-} (12) “Financial instrument” includes[, but is not limited to,] any check, draft, money

9. Page 3, Line 71:

71 {-(12)-} (13) “Software” or “program” means a series of instructions or statements in a form

10. Page 3, Line 74:

74 ~~limited to,~~ system control programs, application programs, or copies of any of them.

Section 2. Section 76-6-703 is amended to read:

76-6-703. Computer crimes and penalties.

(1) A person who without authorization gains or attempts to gain access to and alters, damages, destroys, discloses, or modifies any computer, computer network, computer property, computer system, computer program, computer data or software, and thereby causes damage to another, or obtains money, property, information, or a benefit for any person without legal right, is guilty of:

(a) a class B misdemeanor when:

(i) the damage caused or the value of the money, property, or benefit obtained or sought to be obtained is less than \$300; or

(ii) the information obtained is not confidential;

(b) a class A misdemeanor when the damage caused or the value of the money, property, or benefit obtained or sought to be obtained is or exceeds \$300 but is less than \$1,000;

(c) a third degree felony when the damage caused or the value of the money, property, or benefit obtained or sought to be obtained is or exceeds \$1,000 but is less than \$5,000;

(d) a second degree felony when the damage caused or the value of the money, property, or benefit obtained or sought to be obtained is or exceeds \$5,000; and

(e) a third degree felony when:

(i) the property or benefit obtained or sought to be obtained is a license or entitlement;

(ii) the damage is to the license or entitlement of another person;

or

(iii) the information obtained is confidential; or

(iv) in gaining access the person breaches or breaks through a security system.

(2) {—A—} (a) Except as provided in Subsection (2)(b),
a person who intentionally or knowingly and without authorization
gains or attempts to gain access to a computer, computer network,
computer property, or computer system under circumstances not
otherwise constituting an offense under this section is guilty of a class B
misdemeanor.

(b) Notwithstanding Subsection (2)(a), a retailer that uses
an electronic product identification or tracking system, or other
technology to identify, track, or price goods held for sale is not guilty of a
violation of Subsection (2)(a) if the computer used by the retailer to
identify, track, or price goods held for sale is located entirely within the
retailer's retail location.

(3) A person who uses or knowingly allows another person to
use any computer, computer network, computer property, or computer
system, program, or software to devise or execute any artifice or scheme
to defraud or to obtain money, property, services, or other things of value
by false pretenses, promises, or representations, is guilty of an offense
based on the value of the money, property, services, or things of value, in
the degree set forth in Subsection 76–10–1801(1).

(4) A person who intentionally or knowingly and without
authorization, interferes with or interrupts computer services to another
authorized to receive the services is guilty of a class A misdemeanor.

(5) It is an affirmative defense to Subsections (1) and (2) that a
person obtained access or attempted to obtain access in response to, and
for the purpose of protecting against or investigating, a prior attempted or
successful breach of security of a computer, computer network,
computer property, computer system whose security the person is
authorized or entitled to protect, and the access attempted or obtained
was no greater than reasonably necessary for that purpose.

Representative Daw's motion to amend passed on a voice vote.

H.B. 185, as amended, then passed on the following roll call:

Yeas, 74; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee

Donnelson	Dougall	Duckworth	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McCartney	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wyatt	Curtis		

Absent or not voting was: Representative
Dunnigan

H.B. 185, as amended, transmitted to the Senate for its consideration.

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On motion of Representative Aagard, the House voted to uncircle
Sub. H.B. 28.

Sub. H.B. 28, JUVENILE JUSTICE RECODIFICATION, was before the House on its final passage.

Sub. H.B. 28 then passed on the following roll call:

Yeas, 74; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings

B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McCartney	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wyatt	Curtis		

Absent or not voting was: Representative Alexander

Sub. H.B. 28 transmitted to the Senate for its consideration.

THIRD READING CALENDAR

H.R. 5, HOUSE RULES RESOLUTION – ORAL DECLARATION OF CONFLICT OF INTEREST, read the third time by short title and placed on its final passage.

On motion of Representative Ure, the House voted to circle **H.R. 5**.

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H.R. 6, HOUSE RULES RESOLUTION – ELECTRONIC VOTING BOARD, read the third time by short title and placed on its final passage.

On motion of Representative Ure, the House voted to circle **H.R. 6**.

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H.B. 53, TAX TREATMENT OF PERSONAL PROPERTY, read the third time by short title and placed on its final passage.

Representative Shurtliff proposed the following amendment:

1. Page 1, Lines 20 through 21:

20 ► provides that the uniform statewide fees on motor homes shall be {~~imposed~~} assessed at the {~~—~~
21 ~~time of registration and renewal of registration~~} same time
and in the same manner as ad valorem personal property taxes ;

2. Page 10, Line 302 through Page 11, Line 308:

302 (1) (a) Except as provided in Subsection 59-2-405(4) or
303 59-2-405.2(4) , the uniform fee authorized in

304 Sections 59-2-404 {~~and~~} 59-2-405 and
305 59-2-405.2 shall be assessed at the same time and in the same manner
306 as

307 ad valorem personal property taxes under Chapter 2, Part 13,
308 Collection of Taxes, except that

309 in listing personal property subject to the uniform fee with real
310 property as permitted by

311 Section 59-2-1302, the assessor or, if this duty has been reassigned
312 in an ordinance under

313 Section 17-16-5.5, the treasurer shall list only the amount of the
314 uniform fee due, and not the

315 taxable value of the property subject to the uniform fee.

3. Page 11, Lines 313 through 316:

313 { ~~(c) Except as provided in Subsection 59-2-405.2(4), the~~
314 ~~uniform statewide fee imposed~~

315 ~~by Section 59-2-405.2 shall be assessed at the time of:~~

316 ~~(i) registration as defined in Section 41-1a-102; and~~

317 ~~(ii) renewal of a registration. }~~

4. Page 14, Lines 402 through 404:

402 (B) increased by the amount necessary to offset the county's
403 reduction in revenue from

404 uniform fees on tangible personal property under Section
405 59-2-404, 59-2-405, {~~or~~} 59-2-405.1 or 59-2-405.2 as

406 a result of the decrease in the certified tax rate under Subsection
407 (2)(d)(i)(A).

Representative Shurtliff's motion to amend passed on a voice vote.

H.B. 53, as amended, then passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives

Agaard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McCartney	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wyatt
Curtis			

Absent or not voting were: Representatives

Bourdeaux Ferrin

H.B. 53, as amended, transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Alexander, the House voted to uncircle **H.J.R. 1**.

H.J.R. 1, JOINT RESOLUTION RELATED TO FINANCIAL INSTITUTIONS, was before the House on its final passage.

Representative Alexander proposed the following amendment:

1. Page 5, Line 134:

After line 134 insert:

“NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah affirms its decision to differentiate between traditional credit unions and those that have lost a meaningful affinity or bond and encourages Congress to consider a similar approach.”

2. Page 5, Line 140:
House Floor Amendments,
1–20–2005:
After line 140 delete “ and whether the economic circumstances have changed since the enactment of the Federal Credit Union Act such that credit unions should have a broader role in the current financial marketplace ”
3. Page 5, Line 148:
After line 148 insert:
“BE IT FURTHER RESOLVED that once a principled, fair, and equitable tax structure for financial institutions is adopted, Congress should examine whether the economic circumstances have changed since the enactment of the Federal Credit Union Act such that credit unions should have a broader role in the current financial marketplace.”
4. Page 5–6, Lines 149–152:
Amend line 151 as follows:
“BE IT FURTHER RESOLVED that the Legislature requests that if Congress elects to retain the current tax structure for financial institutions unchanged, it provide Utah and other states with a { ~~thorough, detailed, and~~ } reasoned explanation for maintaining that tax structure without alteration.”

Representative Donnelson proposed **H.J.R. 1** be referred to the Rules Committee and request the chair and co-chair of the Financial Institutions Task Force to draft a letter and send it to the congressional delegation regarding this matter. The motion failed on the following roll call:

Yeas, 15; Nays, 58; Absent or not voting, 2.

Voting in the affirmative were: Representatives

Aagard	Bigelow	Dayton	Donnelson
Ferrin	Hansen	Hardy	Harper
Lawrence	McGee	Morgan	Moss
Murray	Shurtliff	Wallace	

Voting in the negative were: Representatives

Adams	Alexander	S. Allen	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw

Dee	Dougall	Duckworth	Dunnigan
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Litvack	Lockhart	Mascaro
Mathis	McCartney	Menlove	Morley
Newbold	Noel	Oda	Painter
Romero	G. Snow	Tilton	Ure
Urquhart	Walker	Wheatley	Wheeler
Wyatt	Curtis		

Absent or not voting were: Representatives

Gowans Ray

Representative Alexander's proposed amendment was before the House.

Representative Harper moved to divide the motion. Item 1 passed on a voice vote and Items 2 through 4 passed on a voice vote.

H.J.R. 1, as amended, then passed on the following roll call:

Yeas, 41; Nays, 34; Absent or not voting, 0.

Voting in the affirmative were: Representatives

Adams	Alexander	S. Allen	Bowman
Buttars	Christensen	D. Clark	S. Clark
D. Cox	Daw	Dougall	Ferrin
Ferry	Fowlke	Frank	Goodfellow
Hogue	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	Kiser	Last
Lockhart	Mathis	McCartney	Menlove
Morley	Noel	Oda	Painter
Romero	G. Snow	Tilton	Urquhart
Walker	Wheatley	Wheeler	Wyatt
Curtis			

Voting in the negative were: Representatives

Agard	Barrus	Becker	Bigelow
Biskupski	Bourdeaux	Buxton	Cosgrove
Dayton	Dee	Donnelson	Duckworth
Dunnigan	Fisher	Gibson	Gowans
Hansen	Hardy	Harper	Hendrickson

Holdaway	King	Lawrence	Litvack
Mascaro	McGee	Morgan	Moss
Murray	Newbold	Ray	Shurtliff
Ure	Wallace		

H.J.R. 1, as amended, transmitted to the Senate for its consideration.

* * *

On motion of Representative Lockhart, the House voted to uncircle **H.B. 12**.

H.B. 12, HEALTH CARE ASSISTANTS, was before the House on its final passage.

H.B. 12 then passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McCartney	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wyatt
Curtis			

Absent or not voting were: Representatives

Bourdeaux	Hardy
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H.B. 12 transmitted to the Senate for its consideration.

RULES COMMITTEE REPORT

Mr. Speaker:

January 25, 2005

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

BUSINESS AND LABOR

H.B. 209 Administrative Rules – Impact on Small Businesses
(Rep. G. Hughes)

EDUCATION

H.B. 206 Charter School Reporting (Rep. C. Moss)

HEALTH AND HUMAN SERVICES

H.B. 79 Provision of Services for People with Disabilities
(Rep. R. Lockhart)

JUDICIARY

H.B. 218 Second District Juvenile Judge (Rep. J. S. Adams)

LAW ENFORCEMENT AND CRIMINAL JUSTICE

H.B. 68 Motor Vehicle Enforcement Division Amendments
(Rep. P. Ray)

NATURAL RESOURCES, AGRICULTURE AND ENVIRONMENT

H.B. 29 State Engineer's Powers and Duties Amendments
(Rep. D. Clark)

H.B. 38 Water Law – Criminal Penalties Amendments
(Rep. B. Ferry)

H.B. 157 Water Enforcement Procedures and Penalties
(Rep. D. Ure)

H.B. 224 Permanent Community Impact Fund – Board Membership
(Rep. J. Mathis)

POLITICAL SUBDIVISIONS

H.B. 207 Prescriptive Easements Act (Rep. G. Hughes)

PUBLIC UTILITIES AND TECHNOLOGY

H.B. 214 Emerging Technologies and Open Government
(Rep. D. Clark)

H.B. 221 Electronic Communication Harassment (Rep. J. Dougall)

REVENUE AND TAXATION

H.B. 227 Corporate Franchise and Income Taxes – Exemption for Banks (Rep. W. Harper)

TRANSPORTATION

H.B. 65 Driver License and Commercial Driver License Amendments (Rep. D. Bowman)

Rebecca Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to adjourn until January 26, 2005, at 10:00 a.m.

HOUSE JOURNAL PAGE INDEX (DAY 1 – 9)

H.B. 4 — DIVORCE MEDIATION PROGRAM (<i>B. Ferry</i>)	
Read the first time by short title and referred to the Rules Committee.	15
Assigned to standing committee	26
H.B. 5 — PERSON WITH A DISABILITY MOTORCYCLE PARKING (<i>T. Kiser</i>)	
Read the first time by short title and referred to the Rules Committee.	15
Read the second time	24
Read the third time	41
Transmitted to the Senate	42
H.B. 6 — MASTER HIGHWAY DESIGNATION AMENDMENTS (<i>J. Murray</i>)	
Read the first time by short title and referred to the Rules Committee.	15
Read the second time	24
Read the third time	42
Transmitted to the Senate	43
H.B. 7 — INDIVIDUAL INCOME TAX – CONTRIBUTIONS FOR EDUCATION (<i>S. Allen</i>)	
Read the first time by short title and referred to the Rules Committee.	15
Read the second time	90
H.B. 8 — CHILD PROTECTION TEAM MEETINGS (<i>A. Tilton</i>)	
Read the first time by short title and referred to the Rules Committee.	15
Read the second time	24
Read the third time	57
H.B. 9 — SALES AND USE TAX – AGRICULTURAL EXEMPTION VEHICLE LIMITATION (<i>R. Menlove</i>)	
Read the first time by short title and referred to the Rules Committee.	15
Assigned to standing committee	44
Amendments	126
Read the second time	127
H.B. 10 — EMPLOYMENT SECURITY ACT AMENDMENTS (<i>D. Cox</i>)	
Read the first time by short title and referred to the Rules Committee.	15
Read the second time	24
Read the third time	57
Transmitted to the Senate	58
H.B. 11 — ECONOMIC DEVELOPMENT INCENTIVES (<i>B. Dee</i>)	
Read the first time by short title and referred to the Rules Committee.	15
Assigned to standing committee	27
H.B. 12 — HEALTH CARE ASSISTANTS (<i>R. Lockhart</i>)	
Read the first time by short title and referred to the Rules Committee.	15
Read the second time	24

Read the third time	81
Circled	81
H.B. 13 — OCCUPATIONAL AND PROFESSIONAL LICENSING SUNSET AMENDMENT (<i>R. Lockhart</i>)	
Read the first time by short title and referred to the Rules Committee.	15
Read the second time	24
Read the third time	81
Circled	81
H.B. 14 — BOND ELECTION PROCESS AMENDMENTS (<i>F. Hunsaker</i>)	
Read the first time by short title and referred to the Rules Committee.	15
Assigned to standing committee	26
Read the second time	76
H.B. 15 — REPEAL OF STATE DEBT COLLECTION ADVISORY BOARD (<i>D. Aagard</i>)	
Read the first time by short title and referred to the Rules Committee.	15
Read the second time	24
Read the third time	81
Circled	81
Uncircled	85
Transmitted to the Senate	85
H.B. 16 — REPEAL OF VEHICLE EQUIPMENT SAFETY COMMISSION (<i>N. Hendrickson</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Read the second time	25
Read the third time	81
Transmitted to the Senate	82
H.B. 17 — MOTION PICTURE INCENTIVE FUND (<i>S. Allen</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Assigned to standing committee	63
Read the second time	112
H.B. 18 — TRANSPORTATION INVESTMENT ACT (<i>R. Lockhart</i>)	
Read the first time by short title and referred to the Rules Committee.	16
H.B. 19 — PROCUREMENT CODE RENUMBERING (<i>R. Bigelow</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Read the second time	25
Read the third time	82
Transmitted to the Senate	83
H.B. 20 — CALLING LOCAL SPECIAL ELECTIONS FOR SALES AND USE TAX PURPOSES (<i>S. Clark</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Read the second time	25
Read the third time	83
Transmitted to the Senate	84
H.B. 21 — AUTOMOBILE CRIME PREVENTION (<i>P. Ray</i>)	
Read the first time by short title and referred to the Rules Committee.	16
H.B. 22 — INTERCOUNTRY ADOPTION ACCREDITATION (<i>R. McGee</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Assigned to standing committee	112
H.B. 23 — DEPARTMENT OF WORKFORCE SERVICES – WORK EXPERIENCE AND TRAINING PROGRAMS (<i>D. Cox</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Read the second time	90
H.B. 24 — TRAFFIC CODE AMENDMENTS (<i>J. Dunnigan</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Read the second time	25
Read the third time	88
Circled	88
Uncircled	103
Amendments	103
Transmitted to the Senate	105
H.B. 25 — DIRECT-ENTRY MIDWIFE ACT (<i>J. Biskupski</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Assigned to standing committee	26
H.B. 26 — CONVEYANCES OF PROPERTY (<i>J. S. Adams</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Read the second time	25
Read the third time	84
Transmitted to the Senate	85
H.B. 27 — HEALTH INSURANCE FAIR MARKETING STANDARDS (<i>S. Mascaro</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Assigned to standing committee	43
H.B. 28 — JUVENILE JUSTICE RECODIFICATION (<i>D. Aagard</i>)	
Read the first time by short title and referred to the Rules Committee.	16

Read the second time	25
Read the third time	85
Circled	86
Uncircled	109
Substituted	109
1st Sub. H.B. 28 — JUVENILE JUSTICE RECODIFICATION AND REVISIONS (<i>D. Aagard</i>)	
Circled	109
H.B. 29 — STATE ENGINEER'S POWERS AND DUTIES AMENDMENTS (<i>M. Styler</i>)	
Read the first time by short title and referred to the Rules Committee.	16
H.B. 30 — CONSUMER SALES PRACTICES ACT AMENDMENTS (<i>T. Kiser</i>)	
Read the first time by short title and referred to the Rules Committee.	17
Read the second time	25
Read the third time	86
Circled	86
Uncircled	102
Amendments	102
Transmitted to the Senate	103
H.B. 31 — VISION CARE FOR MEDICAID RECIPIENT (<i>S. Mascaro</i>)	
Read the first time by short title and referred to the Rules Committee.	17
H.B. 32 — DENTAL SERVICES FOR ADULTS ON MEDICAID (<i>S. Mascaro</i>)	
Read the first time by short title and referred to the Rules Committee.	17
H.B. 33 — ASSISTANCE FOR PEOPLE WITH BLEEDING DISORDERS (<i>D. Litvack</i>)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	63
H.B. 34 — EMERGENCY RELATED AMENDMENTS (<i>S. Allen</i>)	
Read the first time by short title and referred to the Rules Committee.	17
Read the second time	25
Read the third time	86
Circled	86
Uncircled	109
Amendments	109
Transmitted to the Senate	110
H.B. 35 — TELECOMMUNICATIONS AMENDMENTS (<i>S. Urquhart</i>)	
Read the first time by short title and referred to the Rules Committee.	17
H.B. 36 — CHARTER SCHOOL CONSTRUCTION AMENDMENTS (<i>J. Ferrin</i>)	
Read the first time by short title and referred to the Rules Committee.	17
Read the second time	25
Read the third time	86
Circled	86
Uncircled	133
Substituted	133
1st Sub. H.B. 36 — CHARTER SCHOOL CONSTRUCTION AMENDMENTS (<i>J. Ferrin</i>)	
Amendments	133
Transmitted to the Senate	135
H.B. 37 — ADMINISTRATIVE RULES REAUTHORIZATION (<i>D. Ure</i>)	
Read the first time by short title and referred to the Rules Committee.	17
Read the second time	25
Read the third time	86
Transmitted to the Senate	87
H.B. 38 — WATER LAW – CRIMINAL PENALTIES AMENDMENTS (<i>M. Styler</i>)	
Read the first time by short title and referred to the Rules Committee.	17
H.B. 39 — TUITION TAX CREDITS (<i>J. Ferrin</i>)	
Read the first time by short title and referred to the Rules Committee.	17
H.B. 40 — REPEAL OF SUNSET OF TOWNSHIP PROVISION (<i>M. S. Lawrence</i>)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	26
H.B. 41 — SPECIAL DISTRICT FOR POLICE SERVICES (<i>T. McCartney</i>)	
Read the first time by short title and referred to the Rules Committee.	17
H.B. 42 — MEDICAL RECOMMENDATIONS FOR CHILDREN (<i>M. Morley</i>)	
Read the first time by short title and referred to the Rules Committee.	17
H.B. 43 — SCHOOL LAND TRUST PROGRAM FUNDING AMENDMENTS (<i>S. Urquhart</i>)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	25
Read the second time	55
Read the third time	128
Transmitted to the Senate	129
H.B. 44 — ADDITIONAL STATE RETIREMENT BENEFIT (<i>L. Shurtliff</i>)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	26

H.B. 45 — ASSESSMENT OF PROPERTY AFFECTED BY BUSINESS INTERRUPTION (<i>G. Hughes</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	25
H.B. 46 — PUBLIC EDUCATION CAPITAL OUTLAY ACT AMENDMENTS (<i>D. Cox</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	25
H.B. 47 — NEW AUTOMOBILE FRANCHISE ACT AMENDMENTS (<i>S. Urquhart</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	62
H.B. 48 — MOTOR VEHICLE REGISTRATION AND SAFETY INSPECTION AMENDMENTS (<i>B. Daw</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	44
Amendments	78
Read the second time	80
H.B. 49 — BICYCLE SAFETY PROVISIONS (<i>R. McGee</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	43
H.B. 50 — CRIMINAL PENALTY AMENDMENT (<i>D. Litvack</i>)	
Read the first time by short title and referred to the Rules Committee.	18
H.B. 51 — ELECTRONIC PAYMENTS TO LOCAL GOVERNMENT ENTITIES (<i>J. Murray</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	26
Read the second time	75
H.B. 52 — FIRE PREVENTION AMENDMENTS (<i>J. Murray</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	25
Amendments	52
Read the second time	52
Read the third time	105
Transmitted to the Senate	106
H.B. 53 — TAX TREATMENT OF PERSONAL PROPERTY (<i>L. Shurtliff</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	27
Read the second time	75
H.B. 54 — CRIMINAL APPEAL AMENDMENTS (<i>S. Wyatt</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	26
Amendments	78
Read the second time	78
H.B. 55 — DRUG OFFENSE PENALTY ENHANCEMENTS (<i>B. Dee</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	26
Read the second time	78
H.B. 56 — DIVORCE AMENDMENTS (<i>P. Wallace</i>)	
Read the first time by short title and referred to the Rules Committee.	18
H.B. 57 — ALCOHOLIC BEVERAGE CONTROL TASK FORCE (<i>D. Ure</i>)	
Read the first time by short title and referred to the Rules Committee.	18
H.B. 58 — GOVERNMENT EFFICIENCY AND EFFECTIVENESS REVIEW COMMITTEE (<i>P. Wallace</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	26
H.B. 59 — DOMESTIC VIOLENCE ENHANCEMENT (<i>C. Moss</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	89
H.B. 60 — PRODUCER LICENSING AMENDMENTS (<i>J. Dunnigan</i>)	
Read the first time by short title and referred to the Rules Committee.	19
Assigned to standing committee	43
Read the second time	100
H.B. 61 — STATE SCHOOL BOARD ELECTIONS AND FILLING OF VACANCIES (<i>J. Ferrin</i>)	
Read the first time by short title and referred to the Rules Committee.	19
H.B. 62 — AMENDMENTS TO INTERMEDIATE CARE FACILITIES FOR MENTALLY RETARDED (<i>R. Lockhart</i>)	
Read the first time by short title and referred to the Rules Committee.	19
Assigned to standing committee	136
H.B. 63 — SCHOOL DISTRICT AMENDMENTS (<i>D. Cox</i>)	
Read the first time by short title and referred to the Rules Committee.	19
Assigned to standing committee	136
H.B. 64 — CRIMINAL BACKGROUND CHECKS FOR PERSONAL CARE ATTENDANTS (<i>F. Hunsaker</i>)	
Read the first time by short title and referred to the Rules Committee.	19
Assigned to standing committee	112

H.B. 65 — DRIVER LICENSE AND COMMERCIAL DRIVER LICENSE AMENDMENTS (<i>D. Bowman</i>)	
Read the first time by short title and referred to the Rules Committee.	19
H.B. 66 — NATUROPATHIC PHYSICIAN AMENDMENTS (<i>J. Ferrin</i>)	
Read the first time by short title and referred to the Rules Committee.	19
Assigned to standing committee	112
H.B. 67 — ABANDONED VEHICLES AMENDMENTS (<i>J. Gowans</i>)	
Read the first time by short title and referred to the Rules Committee.	19
Assigned to standing committee	89
H.B. 68 — MOTOR VEHICLE ENFORCEMENT DIVISION AMENDMENTS (<i>P. Ray</i>)	
Read the first time by short title and referred to the Rules Committee.	19
H.B. 69 — FEDERAL HEALTH CARE TAX CREDIT PROGRAM ACT (<i>C. Oda</i>)	
Read the first time by short title and referred to the Rules Committee.	19
Assigned to standing committee	88
H.B. 70 — HEALTH DISCOUNT PROGRAM CONSUMER PROTECTION ACT (<i>J. Dunnigan</i>)	
Read the first time by short title and referred to the Rules Committee.	19
H.B. 71 — LICENSING OF ESTHETICIANS AND NAIL TECHNICIANS (<i>J. Fisher</i>)	
Read the first time by short title and referred to the Rules Committee.	19
Assigned to standing committee	112
H.B. 72 — SCHOOL CURRICULUM AMENDMENTS (<i>C. Moss</i>)	
Read the first time by short title and referred to the Rules Committee.	38
H.B. 73 — LOCAL REFERENDUM REQUIREMENTS (<i>D. Hogue</i>)	
Read the first time by short title and referred to the Rules Committee.	38
Assigned to standing committee	112
H.B. 74 — TUITION REIMBURSEMENT PROGRAM FOR STUDENTS SEEKING TEACHER LICENSURE IN DISABILITY OR SPECIAL EDUCATION (<i>R. Menlove</i>)	
Read the first time by short title and referred to the Rules Committee.	38
H.B. 75 — GOVERNMENT RECORDS ACCESS AND MANAGEMENT TASK FORCE (<i>D. Aagard</i>)	
Read the first time by short title and referred to the Rules Committee.	38
Assigned to standing committee	112
H.B. 76 — HABITUAL VIOLENT OFFENDERS AMENDMENTS (<i>P. Ray</i>)	
Read the first time by short title and referred to the Rules Committee.	55
Assigned to standing committee	136
H.B. 77 — PROVISIONS FOR EMANCIPATION OF A MINOR (<i>R. McGee</i>)	
Read the first time by short title and referred to the Rules Committee.	56
H.B. 78 — CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS (<i>W. Harper</i>)	
Read the first time by short title and referred to the Rules Committee.	56
Assigned to standing committee	136
H.B. 79 — PROVISION OF SERVICES FOR PEOPLE WITH DISABILITIES (<i>R. Lockhart</i>)	
Read the first time by short title and referred to the Rules Committee.	56
H.B. 80 — SERVICES FOR PEOPLE WITH DISABILITIES (<i>R. Lockhart</i>)	
Read the first time by short title and referred to the Rules Committee.	56
H.B. 81 — WORKERS' COMPENSATION COVERAGE OF FIRE DEPARTMENT EMPLOYEES (<i>J. Murray</i>)	
Read the first time by short title and referred to the Rules Committee.	80
H.B. 82 — CONTRACTORS BONDS AND LETTERS OF CREDIT (<i>S. Clark</i>)	
Read the first time by short title and referred to the Rules Committee.	80
H.B. 83 — WEIGHTS AND MEASURES AMENDMENTS (<i>D. Ure</i>)	
Read the first time by short title and referred to the Rules Committee.	80
H.B. 84 — READING REQUIREMENTS FOR STUDENT ADVANCEMENT (<i>K. Morgan</i>)	
Read the first time by short title and referred to the Rules Committee.	80
H.B. 85 — HEALTH INSURANCE HIGH RISK POOL – ELIGIBILITY AMENDMENTS (<i>D. Litvack</i>)	
Read the first time by short title and referred to the Rules Committee.	80
H.B. 86 — UTAH COLLEGE OF APPLIED TECHNOLOGY AMENDMENTS (<i>R. Bigelow</i>)	
Read the first time by short title and referred to the Rules Committee.	101
H.B. 87 — LIABILITY INSURANCE FOR COUNTY RECORDERS (<i>S. Clark</i>)	
Read the first time by short title and referred to the Rules Committee.	101
H.B. 88 — AIR CONDITIONED BUSES FOR STUDENTS WITH DISABILITIES (<i>D. Hogue</i>)	
Read the first time by short title and referred to the Rules Committee.	101
H.B. 89 — PRESUMPTION OF RESPONSIBILITY FOR ABUSE OR NEGLECT (<i>L. Christensen</i>)	
Read the first time by short title and referred to the Rules Committee.	101
H.B. 90 — SEARCH AND RESCUE ADVISORY BOARD – AMENDMENTS (<i>J. S. Adams</i>)	
Read the first time by short title and referred to the Rules Committee.	101
H.B. 91 — LICENSE PLATE FOR DISABLED AMERICAN VETERANS (<i>R. Bigelow</i>)	
Read the first time by short title and referred to the Rules Committee.	127

H.B. 156 — DAIRY PROMOTION ACT AMENDMENTS (<i>D. Ure</i>)	
Read the first time by short title and referred to the Rules Committee.	101
H.B. 157 — WATER ENFORCEMENT PROCEDURES AND PENALTIES (<i>D. Ure</i>)	
Read the first time by short title and referred to the Rules Committee.	80
H.B. 158 — ELECTION REQUIREMENTS FOR COUNTY CANDIDATES (<i>R. Romero</i>)	
Read the first time by short title and referred to the Rules Committee.	80
H.B. 159 — MOTOR ASSISTED SCOOTER AND MINI-MOTORCYCLE AMENDMENTS (<i>B. Dee</i>)	
Read the first time by short title and referred to the Rules Committee.	38
Assigned to standing committee	136
H.B. 160 — WILDLIFE LICENSE AGENTS AMENDMENTS (<i>J. Fisher</i>)	
Read the first time by short title and referred to the Rules Committee.	19
Assigned to standing committee	63
H.B. 161 — INJURY REPORTING REQUIREMENT AMENDMENTS (<i>J. Murray</i>)	
Read the first time by short title and referred to the Rules Committee.	19
Assigned to standing committee	26
H.B. 162 — MUNICIPAL WEED ABATEMENT (<i>M. Morley</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	26
Amendments	74
Read the second time	75
H.B. 163 — GARNISHMENT FEES (<i>S. Mascaro</i>)	
Read the first time by short title and referred to the Rules Committee.	20
H.B. 164 — REPEAL OF UTAH PERSONAL INTRODUCTION SERVICES PROTECTION ACT (<i>S. Allen</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	43
Read the second time	78
H.B. 165 — UTAH COMMISSION ON AGING (<i>P. Jones</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	63
H.B. 166 — UTAH INDOOR CLEAN AIR ACT AMENDMENTS (<i>P. Ray</i>)	
Read the first time by short title and referred to the Rules Committee.	20
H.B. 167 — ELDER PROTECTION PROVISIONS (<i>P. Jones</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	63
H.B. 168 — COOPERATIVE WILDLIFE MANAGEMENT UNIT AMENDMENTS (<i>J. Gowans</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	44
H.B. 169 — APPROPRIATION FOR SCHOOL DISTRICTS IMPACTED BY FEE WAIVERS (<i>L. Shurtliff</i>)	
Read the first time by short title and referred to the Rules Committee.	20
H.B. 170 — EXTENSION OF UTAH LOW-INCOME HOUSING TAX CREDITS (<i>S. Clark</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	27
Read the second time	75
H.B. 171 — CALCULATION OF MINING SEVERANCE TAX ON BERYLLIUM (<i>R. Wheeler</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	63
Read the second time	127
H.B. 172 — NOTARY PUBLIC AMENDMENTS (<i>L. Shurtliff</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	25
Read the second time	52
Read the third time	106
Circled	106
H.B. 173 — STATE EMPLOYEE AMENDMENTS (<i>A. Hardy</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	26
Read the second time	127
H.B. 174 — CHILD PROTECTION REGISTRY AMENDMENTS (<i>J. Dougall</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	63
H.B. 175 — EDUCATION ACHIEVEMENT GAP TASK FORCE (<i>D. Litvack</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	63
H.B. 176 — REVISOR'S STATUTE (<i>R. Lockhart</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Read the second time	24

Read the third time	41
Circled	41
Uncircled	58
Transmitted to the Senate	59
H.B. 177 — WILDLIFE LICENSE REFUND AMENDMENTS (<i>M. Dayton</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	26
Read the second time	77
H.B. 178 — MENTAL HEALTH SERVICES COORDINATOR (<i>D. Hogue</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	26
Amendments	54
Read the second time	55
Read the third time	110
Circled	110
H.B. 179 — UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS (<i>P. Wallace</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	27
Read the second time	76
H.B. 180 — RETIREMENT OFFICE AMENDMENTS (<i>A. Hardy</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	27
Read the second time	127
H.B. 181 — DUPLICATE WILDLIFE LICENSING AMENDMENTS (<i>M. Dayton</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	26
Amendments	77
Read the second time	77
H.B. 182 — HISTORICAL LIVESTOCK TRAILS (<i>B. Johnson</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	26
H.B. 183 — VERIFICATION OF ELIGIBILITY FOR FEE WAIVERS (<i>W. Harper</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	25
Amendments	100
Read the second time	101
H.B. 184 — DOMESTIC VIOLENCE – CHANGE OF LOCKS ON RENTAL PROPERTY (<i>L. Shurtliff</i>)	
Read the first time by short title and referred to the Rules Committee.	21
H.B. 185 — UTAH COMPUTER CRIMES ACT AMENDMENTS (<i>B. Daw</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	26
Read the second time	55
Read the third time	133
Circled	133
H.B. 186 — CONSUMER PROTECTION AMENDMENTS (<i>S. Allen</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	26
Read the second time	55
Read the third time	131
Amendments	131
Transmitted to the Senate	133
H.B. 187 — CAPITAL OUTLAY FOUNDATION PROGRAM – PARTICIPATION REQUIREMENTS (<i>J. Ferrin</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	25
H.B. 188 — BEGINNING TEACHER ENHANCEMENTS (<i>B. Johnson</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	136
H.B. 189 — APPLIED TECHNOLOGY PROGRAM AMENDMENTS (<i>J. Ferrin</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	112
H.B. 190 — INDIVIDUAL INCOME TAX – ELECTRONIC FILING REQUIREMENTS (<i>S. Clark</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	63
Read the second time	127
H.B. 191 — CAPTIVE INSURANCE LAW AMENDMENTS (<i>J. Dunnigan</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	43
Amendments	99
Read the second time	100

H.B. 192 — UTAH HIGH COST HOME LOAN ACT AMENDMENTS (<i>W. Harper</i>)	
Read the first time by short title and referred to the Rules Committee.	22
H.B. 193 — DEREGULATION OF GENERAL BUILDING CONTRACTORS (<i>G. Hughes</i>)	
Read the first time by short title and referred to the Rules Committee.	22
Assigned to standing committee	88
H.B. 194 — FAIR HOUSING FOR DOMESTIC VIOLENCE VICTIMS AND LANDLORD PROTECTION ACT (<i>L. Shurtliff</i>)	
Read the first time by short title and referred to the Rules Committee.	22
H.B. 195 — INSURANCE LAW AMENDMENTS (<i>J. Dunnigan</i>)	
Read the first time by short title and referred to the Rules Committee.	22
Assigned to standing committee	88
H.B. 196 — LEGISLATORS INVOLVEMENT IN PUBLIC SCHOOLS (<i>D. Bourdeaux</i>)	
Read the first time by short title and referred to the Rules Committee.	22
H.B. 197 — INDIVIDUAL INCOME TAX AMENDMENTS FOR EDUCATION FUNDING (<i>P. Jones</i>)	
Read the first time by short title and referred to the Rules Committee.	22, 101
H.B. 198 — NATUROPATHIC FORMULARY PEER COMMITTEE AMENDMENTS (<i>J. Ferrin</i>)	
Read the first time by short title and referred to the Rules Committee.	38
Assigned to standing committee	89
H.B. 199 — SPECIAL ELECTION DATES (<i>D. Hogue</i>)	
Read the first time by short title and referred to the Rules Committee.	38
Assigned to standing committee	136
H.B. 200 — PROPERTY AND CASUALTY INSURANCE LAW AMENDMENTS (<i>J. Dunnigan</i>)	
Read the first time by short title and referred to the Rules Committee.	38
Assigned to standing committee	88
H.B. 201 — LIFE INSURANCE AND ANNUITIES LAW AMENDMENTS (<i>J. Dunnigan</i>)	
Read the first time by short title and referred to the Rules Committee.	38
Assigned to standing committee	88
H.B. 202 — REVISIONS TO CHILD WELFARE (<i>W. Harper</i>)	
Read the first time by short title and referred to the Rules Committee.	56
H.B. 203 — AGRICULTURAL ADVISORY BOARD (<i>M. Noel</i>)	
Read the first time by short title and referred to the Rules Committee.	56
H.B. 204 — STATUTE OF LIMITATIONS AMENDMENTS (<i>D. Clark</i>)	
Read the first time by short title and referred to the Rules Committee.	56
Assigned to standing committee	136
H.B. 205 — DEER HUNT OPENING SEASON DATE AMENDMENTS (<i>S. Clark</i>)	
Read the first time by short title and referred to the Rules Committee.	56
H.B. 206 — CHARTER SCHOOL REPORTING (<i>C. Moss</i>)	
Read the first time by short title and referred to the Rules Committee.	56
H.B. 207 — PRESCRIPTIVE EASEMENTS ACT (<i>G. Hughes</i>)	
Read the first time by short title and referred to the Rules Committee.	56
H.B. 208 — UNCLAIMED PROPERTY AMENDMENTS (<i>P. Ray</i>)	
Read the first time by short title and referred to the Rules Committee.	56
H.B. 209 — ADMINISTRATIVE RULES – IMPACT ON SMALL BUSINESSES (<i>G. Hughes</i>)	
Read the first time by short title and referred to the Rules Committee.	56
H.B. 210 — RESIDENTIAL MORTGAGES PRACTICES – EMPLOYMENT SECURITY REVISIONS (<i>M. Walker</i>)	
Read the first time by short title and referred to the Rules Committee.	80
H.B. 211 — INTEGRITY OF ELECTION RESULTS AMENDMENTS (<i>J. Dougall</i>)	
Read the first time by short title and referred to the Rules Committee.	80
H.B. 212 — TRAFFIC VIOLATIONS BY DIPLOMATS (<i>D. Hogue</i>)	
Read the first time by short title and referred to the Rules Committee.	80
H.B. 213 — UNUSED SICK LEAVE AT RETIREMENT AMENDMENTS (<i>D. Clark</i>)	
Read the first time by short title and referred to the Rules Committee.	80
H.B. 214 — EMERGING TECHNOLOGIES AND OPEN GOVERNMENT (<i>D. Clark</i>)	
Read the first time by short title and referred to the Rules Committee.	80
H.B. 215 — PROPERTY TRACKING AMENDMENTS (<i>P. Ray</i>)	
Read the first time by short title and referred to the Rules Committee.	80
H.B. 216 — GLOBAL POSITIONING REFERENCE NETWORK (<i>K. Holdaway</i>)	
Read the first time by short title and referred to the Rules Committee.	81
H.B. 217 — PUBLIC SAFETY RETIREMENT – EXEMPTION OF CERTAIN EMPLOYEES (<i>D. Clark</i>)	
Read the first time by short title and referred to the Rules Committee.	81
Assigned to standing committee	113
H.B. 218 — SECOND DISTRICT JUVENILE JUDGE (<i>J. S. Adams</i>)	
Read the first time by short title and referred to the Rules Committee.	81
H.B. 219 — TRAFFIC ENFORCEMENT AMENDMENTS (<i>R. McGee</i>)	
Read the first time by short title and referred to the Rules Committee.	81

H.B. 220 — SALES AND USE TAX EXEMPTION FOR TEXTBOOKS FOR HIGHER EDUCATION (<i>D. Bourdeaux</i>)	
Read the first time by short title and referred to the Rules Committee.	101
H.B. 221 — ELECTRONIC COMMUNICATION HARASSMENT (<i>J. Dougall</i>)	
Read the first time by short title and referred to the Rules Committee.	101
H.B. 222 — PILOT PROGRAM REPEAL CLEAN-UP (<i>R. Romero</i>)	
Read the first time by short title and referred to the Rules Committee.	101
Assigned to standing committee	136
H.B. 223 — AMENDMENTS TO DRIVER LICENSE AND IDENTIFICATION CARDS (<i>C. Oda</i>)	
Read the first time by short title and referred to the Rules Committee.	101
H.B. 224 — PERMANENT COMMUNITY IMPACT FUND – BOARD MEMBERSHIP (<i>J. Mathis</i>)	
Read the first time by short title and referred to the Rules Committee.	101
H.B. 225 — BOAT REGISTRATION FEE (<i>B. Goodfellow</i>)	
Read the first time by short title and referred to the Rules Committee.	101
H.B. 226 — GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT REQUIREMENTS REGARDING ANIMAL IDENTIFICATION PROGRAM (<i>C. Butters</i>)	
Read the first time by short title and referred to the Rules Committee.	102
H.B. 227 — CORPORATE FRANCHISE AND INCOME TAXES – EXEMPTION FOR BANKS (<i>W. Harper</i>)	
Read the first time by short title and referred to the Rules Committee.	102
H.B. 228 — REMOVAL OR DEFACEMENT OF POLITICAL SIGNS (<i>G. Hughes</i>)	
Read the first time by short title and referred to the Rules Committee.	127
H.C.R. 1 — RESOLUTION PROMOTING MODERATELY SIZED SCHOOLS (<i>D. Cox</i>)	
Read the first time by short title and referred to the Rules Committee.	22
Assigned to standing committee	43
H.C.R. 2 — COWBOY HALL OF FAME RESOLUTION (<i>L. Shurtliff</i>)	
Read the first time by short title and referred to the Rules Committee.	22
Assigned to standing committee	44
H.C.R. 4 — UTAH ATHLETIC FOUNDATION RESOLUTION (<i>D. Ure</i>)	
Read the first time by short title and referred to the Rules Committee.	22
Assigned to standing committee	27
Read the second time	76
H.C.R. 5 — RESOLUTION HONORING UTAH MILITARY SERVICE PERSONNEL (<i>F. Hunsaker</i>)	
Read the first time by short title and referred to the Rules Committee.	22
Read the second time	24
Read the third time	28
Transmitted to the Senate	29
Signed by the Speaker and transmitted to the Governor	37
H.C.R. 6 — RESOLUTION RECOGNIZING UTAH'S LEGISLATORS BACK TO SCHOOL PROGRAM (<i>M. Dayton</i>)	
Read the first time by short title and referred to the Rules Committee.	22
Assigned to standing committee	26
H.C.R. 7 — CONCURRENT RESOLUTION OPPOSING NUCLEAR TESTING (<i>M. Noel</i>)	
Read the first time by short title and referred to the Rules Committee.	22
Assigned to standing committee	26
Read the second time	77
H.C.R. 8 — RESOLUTION RECOGNIZING UTAH MANUFACTURERS ASSOCIATION (<i>J. Alexander</i>)	
Read the first time by short title and referred to the Rules Committee.	61
Assigned to standing committee	63
Read the second time	112
Time Certain	112
Read the third time	129
Transmitted to the Senate	130
H.C.R. 9 — RESOLUTION HONORING OUTGOING USU PRESIDENT KERMIT L. HALL (<i>F. Hunsaker</i>)	
Read the first time by short title and referred to the Rules Committee.	88
Assigned to standing committee	90
Read the second time	90
Read the third time	110
Transmitted to the Senate	111
H.J.R. 1 — JOINT RESOLUTION RELATED TO FINANCIAL INSTITUTIONS (<i>J. Alexander</i>)	
Read the first time by short title and referred to the Rules Committee.	22
Assigned to standing committee	25
Read the second time	52
Read the third time	106
Amendments	106
Circled	109
H.J.R. 2 — JOINT RULES RESOLUTION – FAMILY IMPACT STATEMENT ON LEGISLATION (<i>C. Frank</i>)	
Read the first time by short title and referred to the Rules Committee.	22
H.J.R. 3 — RESOLUTION REGARDING FEDERAL NO CHILD LEFT BEHIND (<i>K. Holdaway</i>)	
Read the first time by short title and referred to the Rules Committee.	23
Assigned to standing committee	136

H.J.R. 4 — JOINT RULES RESOLUTION – CONFLICT OF INTEREST AMENDMENTS (<i>D. Ure</i>)	
Read the first time by short title and referred to the Rules Committee.	23
H.J.R. 5 — RESOLUTION CLARIFYING REMOVAL PROVISIONS (<i>D. Hogue</i>)	
Read the first time by short title and referred to the Rules Committee.	23
Assigned to standing committee	63
H.J.R. 6 — RESOLUTION APPROVING COMPENSATION OF IN-SESSION EMPLOYEES (<i>M. Newbold</i>)	
Read the first time by short title and referred to the Rules Committee.	23
Read the second time	24
Read the third time	40
Circled	40
Uncircled	60
Amendments	60
Transmitted to the Senate	61
H.J.R. 7 — RESOLUTION AMENDING STATE AUDITOR QUALIFICATIONS (<i>R. Romero</i>)	
Read the first time by short title and referred to the Rules Committee.	23
H.J.R. 8 — JOINT RULES RESOLUTION – USE OF LEGISLATIVE SEALS (<i>R. Lockhart</i>)	
Read the first time by short title and referred to the Rules Committee.	23
Read the second time	24
Read the third time	41
Circled	41
Uncircled	59
Transmitted to the Senate	60
H.J.R. 9 — RESOLUTION AMENDING JOINT RULES REGARDING CONFLICTS OF INTEREST (<i>J. Dougall</i>)	
Read the first time by short title and referred to the Rules Committee.	23
Read the second time	24
Read the third time	41
Circled	41, 62
Uncircled	62, 87
Transmitted to the Senate	88
H.J.R. 10 — JOINT RULES RESOLUTION – AMENDMENTS IN CONTEXT (<i>R. Lockhart</i>)	
Read the first time by short title and referred to the Rules Committee.	23
Read the second time	24
Read the third time	41
Circled	41
Uncircled	130
Transmitted to the Senate	131
H.J.R. 11 — RESOLUTION ENCOURAGING SCHOOLS TO ADOPT NUTRITION AND PHYSICAL ACTIVITY POLICIES (<i>P. Jones</i>)	
Read the first time by short title and referred to the Rules Committee.	102
Assigned to standing committee	136
H.R. 1 — HOUSE RULES RESOLUTION – LOBBYIST CODE OF ETHICS AMENDMENTS (<i>D. Ure</i>)	
Read the first time by short title and referred to the Rules Committee.	23
H.R. 2 — RESOLUTION SUPPORTING PERMANENT REPEAL OF FEDERAL INHERITANCE TAX (<i>M. Morley</i>)	
Read the first time by short title and referred to the Rules Committee.	23
Assigned to standing committee	44
Read the second time	127
H.R. 3 — RESOLUTION SUPPORTING CONGRESSIONAL PRIVATIZATION OF SOCIAL SECURITY (<i>M. Morley</i>)	
Read the first time by short title and referred to the Rules Committee.	23
Assigned to standing committee	89
H.R. 4 — RESOLUTION URGING UNITED STATES SENATE SUPPORT OF PRESIDENT'S SUPREME COURT NOMINEES (<i>M. Morley</i>)	
Read the first time by short title and referred to the Rules Committee.	56
Assigned to standing committee	89
H.R. 5 — HOUSE RULES RESOLUTION – ORAL DECLARATION OF CONFLICT OF INTEREST (<i>D. Ure</i>)	
Read the first time by short title and referred to the Rules Committee.	56
Amendments	73
Read the second time	74
H.R. 6 — HOUSE RULES RESOLUTION – ELECTRONIC VOTING BOARD (<i>D. Ure</i>)	
Read the first time by short title and referred to the Rules Committee.	56
Read the second time	74
S.B. 5 — TRAFFIC CODE RECODIFICATION AND REVISIONS (<i>S. Killpack</i>)	
Read the first time by short title and referred to Rules Committee	51
Read the second time	64
Read the third time	128
Amendments	128
Circled	128
S.B. 6 — SALES AND USE TAX AGRICULTURE EXEMPTIONS (<i>R. Allen</i>)	
Read the first time by short title and referred to the Rules Committee	51
Assigned to standing committee	89

S.B. 7 — FUNDING FOR TOURISM (<i>S. Jenkins</i>)	
Read the first time by short title and referred to Rules Committee	126
S.B. 9 — AEROSPACE AND AVIATION DEVELOPMENT ZONE MODIFICATIONS (<i>M. Dmitrich</i>)	
Read the first time by short title and referred to Rules Committee	73
Assigned to standing committee	89
S.B. 11 — INITIATIVE PETITIONS AMENDMENTS (<i>B. Evans</i>)	
Read the first time by short title and referred to Rules Committee	126
Assigned to standing committee	136
S.B. 12 — DEPARTMENT OF WORKFORCE SERVICES AMENDMENTS (<i>S. Jenkins</i>)	
Read the first time by short title and referred to the Rules Committee	51
Assigned to standing committee	89
S.B. 16 — DEPARTMENT OF WORKFORCE SERVICES – ACCESS TO FINANCIAL RECORDS (<i>S. Jenkins</i>)	
Read the first time by short title and referred to Rules Committee	126
Assigned to standing committee	137
S.B. 17 — FOSTER CARE CITIZEN REVIEW BOARD (<i>D. Eastman</i>)	
Read the first time by short title and referred to the Rules Committee	51
Assigned to standing committee	89
S.B. 18 — REGULATING PROPRIETARY POSTSECONDARY SCHOOLS (<i>D. Eastman</i>)	
Read the first time by short title and referred to the Rules Committee	51
Assigned to standing committee	88
S.B. 20 — OFFICE OF LEGISLATIVE AUDITOR – ACCESS TO INFORMATION (<i>M. Waddoups</i>)	
Read the first time by short title and referred to Rules Committee	73
Assigned to standing committee	89
S.B. 22 — DRUG OFFENDER REFORM ACT (<i>D. C. Buttars</i>)	
Read the first time by short title and referred to Rules Committee	99
Assigned to standing committee	113
1st Sub. S.B. 23 — PROPERTY TAX TREATMENT OF TANGIBLE PERSONAL PROPERTY (<i>C. Bramble</i>)	
Read the first time by short title and referred to Rules Committee	126
Assigned to standing committee	136
S.B. 36 — SALES AND USE TAXATION OF PAWN TRANSACTIONS (<i>R. Allen</i>)	
Read the first time by short title and referred to Rules Committee	126
Assigned to standing committee	136
S.B. 76 — AMENDMENTS TO NAVAJO TRUST FUND (<i>B. Evans</i>)	
Read the first time by short title and referred to Rules Committee	126
Assigned to standing committee	136
S.B. 78 — OPTIONAL FORMS OF COUNTY GOVERNMENT AMENDMENT (<i>D. Thomas</i>)	
Read the first time by short title and referred to Rules Committee	126
S.B. 95 — OFFICE OF MUSEUM SERVICES AMENDMENTS (<i>R. Allen</i>)	
Read the first time by short title and referred to Rules Committee	126
Assigned to standing committee	137
S.B. 100 — ACCESS TO HIGH SPEED INTERNET AT STATE CAPITOL COMPLEX (<i>S. Killpack</i>)	
Read the first time by short title and referred to Rules Committee	38
Read the second time	38
Read the third time	39
Signed by the Speaker and returned to the Senate	40
S.B. 101 — UTAH ADMINISTRATIVE RULEMAKING ACT REVISION (<i>H. Stephenson</i>)	
Read the first time by short title and referred to Rules Committee	73
Assigned to standing committee	89
S.C.R. 1 — RESOLUTION ENCOURAGING MANAGED LANES STUDY (<i>C. Walker</i>)	
Read the first time by short title and referred to Rules Committee	38
Assigned to standing committee	63
S.C.R. 3 — RESOLUTION HONORING SEARCHERS (<i>L. Hillyard</i>)	
Read the first time by short title	30
Read the second time	30
Read the third time	30
Signed by the Speaker and transmitted to the Governor	31
S.J.R. 1 — JOINT RESOLUTION APPROVING APPOINTMENT OF LEGISLATIVE AUDITOR GENERAL (<i>J. Valentine</i>)	
Read the first time by short title and referred to Rules Committee	38
Read the second time	38
Read the third time	39
Signed by the Speaker and returned to the Senate	39
S.J.R. 4 — JOINT RULES RESOLUTION – INTERIM RULES RECODIFICATION (<i>M. Waddoups</i>)	
Read the first time by short title and referred to Rules Committee	126
Read the second time	137

S.J.R. 5 — RESOLUTION APPROVING CONTRACT FOR STATE CAPITOL RENOVATION (*L. A. Mansell*)

Read the first time by short title and referred to Rules Committee	38
Read the second time	60
Read the third time	61
Transmitted to the Senate	62